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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,509	02/25/2004	Bradley A. Rose	247079-000310USPT	3991
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NIXON PEABODY LLP 161 N CLARK ST. 48TH FLOOR CHICAGO, IL 60601-3213			EXAMINER WONG, JEFFREY KEITH	
			ART UNIT	PAPER NUMBER
			3714	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/786,509

Applicant(s)

ROSE, BRADLEY A.

Examiner

Jeffrey K. Wong

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 10-15, 17 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 10-15, 17, 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Application

1. This Office-Action acknowledges the Amendment filed on 10/27/2008 and is a response to said Amendment.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7, 10-15, 17, 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow, US Patent Application Publication 2003/0100358A1.
Regarding Claim 1, 7, 12, 17, 22-24.

(Currently Amended) Kaminkow discloses a method of conducting a wagering game(para 26. A slot machine is a wagering game), comprising: conducting a selection game including displaying a plurality of intermingled selectable objects (para 37. The present invention provides a bonus round which includes a plurality of selection groups displayed by a video monitor)superimposed over a setting (para 7. The present invention preferably does not include terminating symbols and has or contains a theme that ties or relates each of the selections, groups and screens together)in a first display image(elem 28); selecting one or more of the intermingled selectable objects(Abstract. The present invention provides a gaming device bonus round that contains a plurality of

groups each having a plurality of selections that the player can pick and receive an award); revealing one or more awards associated with the selected objects(Abstract. After the player picks from each selection group, the game uncovers, reveals and awards an award hidden underneath); accumulating the awards in a credit meter(para 41. A bonus meter displays the tallied multipliers or credits for the round); after revealing the one or more awards(Abstract), continuing to display the selected objects and their associated awards intermingled with the unselected selectable objects in the first display image(Fig 3B);

Kaminkow failed to explicitly disclose after completing the selection game, displaying a second display image distinct from the first display image that displayed the selected objects and their associated indicia intermingled with the unselected selectable objects, and the second display image replacing the first display image in whole or in part, the second display image presenting the selected objects and their associated awards in a first group in a first region, the second display image presenting the unselected objects and their associated awards in a second group in a second region separated from the first region, the first and second groups being segregated such that the objects previously intermingled in the first display image are no longer intermingled when in the respective first and second groups in the second display image, at least some of the objects being relocated from the first display image to new locations in the second display image.

However, Kaminkow discloses of how the game preferably reveals the awards associated with all the picks that a player has made from the video monitor

where such a point is preferably at the end of the bonus round or, alternatively, a transitional point in a multiple screen round(para 54) as well as revealing not only the selected awards but the unselected awards as well (para 55) because revealing the awards for the selections that the player does not pick increases player excitement and enjoyment by showing the player lost opportunities and the player's relative success or failure in the bonus round(para 9). This can be viewed as obviously encompassing the limitation because Kaminkow's invention discloses how there are multiple bonus rounds where players have multiple opportunities to receiving winning payouts (para 6) and when the player exhausts the picks from a group, the game directs the player to another group and so on through each group in the screen (and if there are multiple screens, from each screen of the round) until no more picks exist(para 10). Kaminkow also discloses how, after the player exhausts his or her picks from a group, he or she is taken to a new screen (para 58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that a second display image would be required in order to display all the revealed selections the player had chosen as well as the selections the player hadn't chosen. The second display image would be distinct from the first display image because the second image would now have images of the selected/unselected choices of the other rounds in which the player had taken part. The groups in the second image will no longer be intermingled with one another like that of a first image because the second image will now be intermingled with the selected/unselected

groups of other rounds. It's obvious that an image containing all the selected/unselected awards would be distinct from the selected/unselected image of a single round.

It is also well known that the method of displaying selected/unselected awards on a second image which is distinct from a first image can be viewed as a design choice because the purpose of revealing the selected/unselected awards on a first or second image both have the predictable result of informing the player of the awards that correspond to the selected/unselected choices. It is also noted that the applicant never disclosed in the specification the reasoning behind using a second image distinct from the first image where the groups are no longer intermingled with one another..

Regarding Claims 2, 13.

(Original) Kaminkow discloses the method of claim 1, wherein the step of displaying the plurality of selectable objects occurs in a bonus game(Abstract.).

Regarding Claims 3, 14.

(Original) Kaminkow discloses the method of claim 1, wherein the step of displaying the plurality of selectable objects occurs in a basic game(Abstract.)

Regarding Claims 4.

(Previously Presented) Kaminkow discloses the method of claim 1, wherein said indicia

associated with the selected objects is indicative of an award, an end bonus marker, or a trigger for another game feature(para 1. The bonus game has a bonus terminator).

Regarding Claims 5.

(Original) Kaminkow discloses the method of claim 1, wherein the step of revealing the one or more indicia includes revealing the indicia in proximity to the respective selected objects(Abstract).

Regarding Claims 10, 20.

(Original) Kaminkow discloses the method of claim 1, wherein the first display image and the second display image are presented on a common display(para 30).

Regarding Claims 11, 21.

(Original) Kaminkow discloses the method of claim 1, wherein the first display image and the second display image are presented on different displays(para 30. There are multiple displays).

Regarding Claim 15.

(Original) Kaminkow discloses the apparatus of claim 12, wherein the controller is operative to reveal the indicia in proximity to the respective selected objects(Fig 3A, Fig 3B. It is obvious to one skilled in the art that the selectable objects and the revealed

awards are proximate to one another).

Response to Arguments

Applicant's arguments, filed 10/27/2008, with respect to the rejection(s) of claim(s) 1-5, 7, 10-15, 17 and 20-24 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a different interpretation of the previously applied reference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey K. Wong whose telephone number is (571)270-3003. The examiner can normally be reached on M-Th 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JKW

/Scott E. Jones/
Primary Examiner, Art Unit 3714